UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,115	04/23/2004	Loren Eckart	59683.000002	9016

7590   09/30/2008

HUNTON & WILLIAMS
Suite 1200
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER
ROBERTSON, DAVID

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/830,115	ECKART ET AL.
	Examiner	Art Unit	
	Dave Robertson	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 July 2008</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-10,12,13,15-25,27-33,35-42,44,46-55,57-63 and 100-102_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is a Final office action in response to Applicant's reply of 7/29/2008. Claims

1, 3-10, 12-13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are pending.

Response to Amendment

2.   Applicant amends claims to more clearly recite that the electronic data stored,

converted, aggregated, and analyzed is <u>financial statement information</u> [previously

recited as *performance* or *trial balance* information]. Method claims are amended to

recite particular apparatus in the body of the claims.

Declaration under 1.132

3.   The affidavit under 37 CFR 1.132 filed 7/29/2008 is insufficient to overcome the

rejections as set forth in the last Office action because, in view of the foregoing, when

all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness

fails to outweigh the evidence of obviousness. Applicant's assertions of facts regarding

specific meaning of "financial statement" in the art of accounting are useful but not

dispositive of the rejections previously made under 103(a). Applicant does not argue

secondary considerations or provide evidence other than assertions and conclusions

made. Arguments distinguishing "financial statement information" from the information

stored, converted, aggregated and analyzed by the prior art systems are addressed

below in *Response to Arguments*.

Response to Arguments

4.   Applicant's arguments and affidavit filed 7/29/2008 have been fully considered

but they are not persuasive:

         Applicant argues that the system of Lewis (US Pat. 6,513,019) does not perform

the recited steps, nor include the recited structure of the methods and systems claimed

in the instant application. (Remarks, page 21). Specifically, Applicant argues Lewis

does not teach "receiving financial statement information from a contributing business

as an electronic data file, the financial statement information associated with the

contributing business and originating from a financial accounting system used by the

contributing business to maintain its general ledger accountings record." (Remarks,

page 22).

         Applicant's essential argument (including arguments made in the Affidavit

referred to above) is that because Lewis teaches receiving, storing, converting, and

aggregating *transaction-based* financial information related to financial transactions and

their associated record keeping in a manner different from the disclosed invention,

Lewis cannot teach or suggest receiving, storing, converting, and aggregating *financial*

statement information from *accounting systems* according to the recited steps of

structures of the invention as claimed. The distinctions made are: 1) between *financial*

statement information and the financial transaction and other data of Lewis; 2) between

the processing methods of Lewis (real-time aggregation of "sophisticated" financial

transaction data) and the processing methods of the invention (aggregating of financial

statement information); 3) between storing financial transaction data in a standardized

database and storing standardized financial statement information in a standardized
general ledger database; and 4) between the source financial transaction systems of
Lewis and the submitting business' general ledger accounting system of the present
invention.

      Examiner respectfully disagrees: Applicant is reminded that claims are given their
broadest reasonable interpretation in light of the disclosure. *In re Morris*, 127 F.3d 1048,
1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Claims are interpreted in light of
the specification but limitations appearing in the specification but not recited in the claim
are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67
USPQ2d 1947, 1950 (Fed. Cir. 2003).

      With respect to Applicant's specific arguments, from above:

      1) Broadly interpreted, *financial statement information associated with a
contributing business* is information found on financial statements of a business or on
which such financial statements may be based and a financial *accounting information
system* is a system for managing information used to *account* for financial transactions.

      Lewis expressly teaches "financial statement activities involve assessment and
refinement of account activities and transactions" (Lewis, column 3, line 22) in a system
for accounting (storing, analyzing, reporting) for such financial transactions. Lewis
teaches *financial transaction information* as financial statement information, noting that
Lewis teaches browsing financial statements produced by the reporting engine which
provides consolidated reports distributed electronically, the reports generated from the
aggregated financial transaction data (column 22 from line 8).

2) That Lewis teaches receiving, storing, converting, aggregating, and analyzing sophisticated and varied financial transaction information does not negate, by mere complexity, Lewis teaching receiving, storing, converting, and aggregating *financial statement information*. Lewis expressly teaches aggregating financial statement information by receiving and storing financial transactions as well as receiving information obtained form financial accounting systems of the source businesses (see at least Figure 4, "Customer/Counterparty Systems").

3) Lewis expressly teaches using aggregated financial transaction information to store, created, and analyzes *general ledger* information (see Figure 4, "General Ledger"). That Lewis teaches a system including *third-party* systems for performing these functions does not negate the teaching that such systems were known at the time of invention to exist and to be expressly integrated into accounting information systems such as Lewis.

4) As to the *source* of Lewis financial statement information asserted as not being from the submitting business' general ledger accounting system, Lewis expressly teaches receiving accounting information from legacy customer or counterparty ledger-based accounting systems (see column 19 from line 37) and as shown on Figure 4, the "Source Systems" where these Customer/Counterparty system provide financial information to the "Interface/Transformation Server" of Lewis.

Applicant further argues the system of Lewis even in view of McQuire (US Pat. Appl. 2004/0059651) cannot teach or suggest converting financial statement information

from one format to another (such as GAAP) because, though McQuire discloses in detail such conversions of financial data, Lewis is concerned only with conversion of the format of the transaction data message, not the financial data itself. (Remarks, page 29).

However, Lewis alone was not used to teach the converting of financial statement information from one format to another to a standardized format under one accounting classification. McQuire was relied upon to teach that it would have been obvious to one of ordinary skill in the art that conversion of financial accounting data from one standard to another under a standardized chart of accounts, because doing so would have provided the financial information from customers and counterparties in such a way as analyses and reports could be advantageously produced (citing Lewis' motivation at column 4, from line 54, of consolidating disparate data from disparate sources). That Lewis also teaches performing conversion on the *format* of transactions to a standardized format to a standardized accounting information database (Figure 4, Item 110, "Accounting Information Server", does not negate the suggestion in McQuire to convert the *accounting classifications* within the transaction data.

Applicant does not traverse Examiner's assertion of facts by official notice in the prior office action. Because Applicant has not specifically pointed out any errors in the Examiner's taking of Official Notice, the officially noticed facts are deemed admitted prior art. See MPEP § 2114.03 (C).

5.   Accordingly, the grounds of rejection over all claims as in the prior office action are maintained.

Claim Objections

6.   Claim 100 is objected to because of the following informalities: At page 16, line

1, of the amended claim 100 the phrase ,including but not limited to <Loren can we put

something here?> is an obvious oversight in claims drafting.

        Appropriate correction is required.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. 6,513,019)

in view of MaGuire, III et al (US Pat. Pub. 2004/0059651).

        Lewis teaches a system and means for standardizing, aggregating,

consolidating, structuring and integration, storage, alerting, and distribution of private

company financial data (see Background, columns 1-2), including automated methods

of online aggregation of accounting data to a central standardized database by

obtaining, converting, analyzing, and reporting business performance information from

one or more businesses, converting the performance information to standardized

performance classifications, and from the converted performance information,

calculating performance metrics on which a variety of alerts produced and

communicated to the requesting party.

MaGuire discloses automated methods of a financial reporting system for

generating financial reports from financial applications and accounting systems having

different accounting standards and formats. MaGuire describes a system which

incorporates the Oracle Financial Statement Generator™ and NEON™, two commercial

packages which translate financial information from disparate accounting systems using

a table-based conversion map, in a system which reports on financial performance of

firms or divisions using different national accounting standards.

Specifically, with respect to the claims of the present invention:

Claim 1

Lewis teaches *receiving at a networked-based data processing system (Figure 4)*

financial statement information (see Figure 4 "Source Systems") from a contributing

business from a contributing business as an electronic data file, the financial statement

information associated with the contributing business and originating from a financial

accounting system used by the contributing business to maintain its accounting records

(see Figure Items 100 and 112, respectively, the "Interface Transformation Server" and

the "Customer/Counterparty Information Server", both receiving performance

information in the form of electronic information, the former receiving electronic data on

a transaction/message basis and the latter expressly receiving transaction/message

data and as "legacy data files" at column 19 lines 37-43); *storing the financial statement*

information as electronic data on a data processing system, the financial statement

information in the report having a first format based on a first set of performance

classifications (see Figure 4, Item 110 and related discussion); *converting, using an*

automated process executing on the data processing system, the financial statement

information in the report from the first format to a second standardized format (see

column 14 from line 1, the system performing business rules from a business rule

database against data from disparate sources into standardized business objects

representing standard performance classifications); *aggregating the converted*

performance information with performance information associated with at least one

other business thereby creating a standardized database of private company

performance information (see Figure 1 Item 115 and related discussion, the database

storing accumulated, standardized data on one or more businesses); *analyzing the*

converted financial information associated with the business based in part on one or

more performance metrics (see numerous analysis modules at Figure 1 Items 150 and

related discussion) with an automated program executing on the data processing

system (Figure 4 Item(s) 15); and *generating at least one electronic report based on the*

results; and automatically providing at least a portion of the electronic report to at least

one requesting party (see Figure 1 Item 190, the "Reporting Engine" and related

discussion, esp. column 22 from line 7).

   However, Lewis does not expressly teach *converting… based at least in part on*

a conversion map.

   MaGuire expressly teaches the converting using automated processing from the

first format to a second standardized format (see ¶ [0023]) based at least in part on a

conversion map associated with the business (e.g. the mapping from JP GAAP to US

GAAP performed as described in [0029] using an "interface table of a general ledger

application", the conversion defining a correspondence between one or more

performance classifications of the first set…to one or more respective classifications of

the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see

also from [0036]). Given Lewis' teaching of obtaining financial accounting information in

the form of ledgers with account classification given by a chart of accounts (see column

14 line 57 and column 19 from line 37), although not expressly providing details on how

the business rules stored in database tables would be applied to convert customer and

counterparty data to standard set of performance classifications (see column 6 from line

7), it would have been obvious to one of ordinary skill in the art at the time of invention

to apply a conversion map process as in MaGuire to convert accounting information for

one business under one set chart of accounts to a standard chart of accounts for

consolidating financial accounting information, with the advantage of consolidating and

aggregating the most accurate financial information available on the business, the

accounting information as reported by the business' own ledger-based accounting. The

standardized database from which analyses on the accounting information could then

be performed is thus maximized with regard to the financial data available for decisions

of customers and counterparties and other requestors of data of Lewis' system

according the stated advantages and benefits of such analyses (see Lewis, column 4,

from line 54, *inter alia*).

Claim 3

Lewis teaches at least one electronic report includes *at least one alert indicator to identify at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric* (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system). Lewis' predetermined threshold values are *determined by at least one recipient* (see column 5 from line 55; column 6 from line 29; column 18 from line 6; column 19 from line 66; and column 22 from line 7);

Claims 4 and 5

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a "target value" set for the performance metric).

Claim 6

Lewis teaches or suggests claim 3 as above; however, with respect to alerts generated and based on converted financial statement information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least "technical indicators" (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 7

Claim 7 substantially recites method steps of claim 1, repeating the process of

claim 1 for a *second business*; that is, the *obtaining, converting, aggregating* and

analyzing of financial statement information is performed on financial information in

performance classifications converted from a *third set* of performance classifications to

the second set (the standard or common set).

Lewis teaches or suggests claim 1 as above, including performing the obtaining,

converting, aggregating, and analyzing for a *second business* (see at least column 2

from line 10 "Consolidation" and "Integration"); however, Lewis does not *expressly* teach

the converting of performance classifications a second business in a *third format,*

converting the financial statement information to a standard format (the *second* format

of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade

finance, etc. to consolidate financial information of other businesses at a commercial

lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking

information from different branches, departments, countries, and *customers* (customer

financial information constitutes financial statement information from a *second* business

potentially in a *third classifications format*, the international GAAP format of a foreign

(non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that

performing the conversion of performance classifications using a mapping as taught in

MaGuire, to convert accounting information for one business under one set chart of

accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 8

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 9

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted financial statement information in inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 10 and 12

Lewis teaches obtaining financial statement information and providing electronic reports via a website (see Figure 1 Item 120 and discussion throughout).

Claim 13

Lewis teaches the conversion of the financial statement information is performed

at least in part using one or more software programs (see column 9 from line 16, the

"Accounting Information Server" is part software program).

Claim 15

Lewis teaches wherein the business is one of a private business, a public

business, a non-profit, or government agency (see Summary of Invention: at least one

business for which financial statement information is obtaining is a financial institution

which may be any of the stated group of business types).

Claim 16

Lewis teaches at least one performance report includes at least one alert

indicator to identify at least one performance metric of the converted financial statement

information having a variance from a corresponding predetermined value that exceeds

an adjustable threshold associate with the performance metric (see from column 5 line

55: express object of invention to provide alerts, with detailed discussion of Notification

Server, from column 15, line 58, teaching alerts electronically sent to users when a limit

has been exceeded on financial statement information received and converted into the

system).

Claims 17 and 18

Lewis teaches wherein the predetermined value includes a value of the

performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus

the previous price being a "target value" set for the performance metric).

Claim 19

Lewis teaches claim 16 as above; however, with respect to alerts generated and

based on converted financial statement information, Lewis does not expressly teach

wherein the predetermined value includes a value representative of an industry average

for the performance metric.

Official Notice is taken that it is old and well known to compare the performance

of a stock or other financial instrument as measured by its price, to an industry or sector

price index, the index computed as an average of stock price for the industry or sector.

Such comparison is known to provide a measure of the relative performance of a

securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using

predetermined values with thresholds being exceeded, or in variance from target

values, and further Lewis' teaching of a Market Data Information Server (described first

from column 16 from line 18), the Market Data Server obtaining data from financial

information services Bloomberg and Reuters (line 36) including information on traded

securities (column 18 from line 37) and for each security at least "technical indicators"

(Table 1), it would have been obvious to one of ordinary skill in the art at the time of

invention to set an alert wherein the predetermined value includes a value

representative of an industry average (i.e. a stock or sector index), as this would have

provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry. This would have indicated to a user interested in or

owning a particular stock that the stock's price behavior was out of sync with the

industry, thereby alerting the user to an opportunity for gain or loss in the particular

stock, apart from any fluctuation common to the industry or sector, for example,

seasonal variation.

Claim 20

Lewis teaches wherein the alert is delivered via a text message (column 15 from

line 58; column 17 from line 42).

Claim 21

Lewis teaches delivering a portion of the converted financial statement

information to at least one requesting part as one or more data files having a format

compatible with software operated by the requesting party (see column 17 from line 42,

sending data to user in an XML file or in a format compatible with the requestors legacy

application).

Claim 22

Lewis teaches wherein the financial statement information includes financial

information where the performance classifications are financial accounts (see column

14 from line 12 to column 14 line 59).

Claim 23

Lewis teaches wherein the financial statement information includes operational

information where the performance classifications are operational classifications (see

column 19 from line 37, teaching operational classifications of the financial statement information consolidated by Customer/Counterparty Information Server).

Claims 24 and 25 recite substantially the method of claim 1, and are similarly rejected for reasons given above. With regard to the *electronic data file uploaded via the GUI* see the interpretation taken on *via the GUI* in section Rejections under 112, 2nd paragraph, above and further, in Lewis Figure 1 Items 140 "thin clients" and 120 "web server" and related discussion on uploading data to the system).

Claim 27

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which financial statement information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 28

Lewis teaches at least one performance report includes at least one alert to the requesting party, identifying at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system).

Claim 29

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 30

Lewis teaches delivering at least a portion of the converted financial statement information to a requesting party as one or more data files having a format compatible with software operated by the requesting party (see column 10 from line 20, HTML is format compatible with software (a browser) operated by the requesting party).

Claim 31

Lewis teaches wherein the financial statement information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14, line 59).

Claim 32

Lewis teaches wherein the financial statement information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the financial statement information consolidated by Customer/Counterparty Information Server).

Claim 33

Lewis teaches a network-based financial statement information management system for automated management of financial statement information associated with at least one private business (see Summary of Invention; Claim 1), including

a performance information receipt module that receives performance information
uploads in the form of an electronic data file containing business performance
information associated with a business performance information (see Figure Items 100
and 112, respectively, the "Interface Transformation Server" and the
"Customer/Counterparty Information Server", both receiving performance information in
the form of electronic information, the former receiving electronic data on a
transaction/message basis and the latter expressly receiving transaction/message data
and as "legacy data files" at column 19 line 43), the performance information having a
first format based on a first set of performance classifications (see from column 13, line
61 to column 14, line 47);

a database module for storing the converted information with information
associated with at least one other business thereby creating a standardized database of
private company financial statement information (see Figure 1 Item 115 and related
discussion, the database storing accumulated, standardized data on one or more
businesses);

an analysis module for analyzing the converted financial statement information
based at least in part on one or more performance metrics (see numerous analysis
modules at Figure 1 Items 150 and related discussion); and

a performance report/alert generation module for generating at least one
performance report based on results of the analysis module, the performance
report/alert generation module providing the at least one performance report to at least

one requesting party (see Figure 1 Item 190, the "Reporting Engine" and related
discussion, esp. column 22 from line 7);

However, Lewis does not expressly teach a mapping module *including a map*
database that converts the <u>*financial statement*</u> *information from the first format to a*
second standardized format based at least in part on a mapping between one or more
performance classifications of the first set of performance classifications, and one or
more performance classifications of a second set of performance classifications, the
mapping maintained in the map database.

MaGuire expressly teaches the converting using automated processing from the
first format to a second standardized format (see ¶ [0023]) based at least in part on a
conversion map associated with the business (e.g. the mapping from JP GAAP to US
GAAP performed as described in [0029] using an "interface table of a general ledger
application", the conversion defining a correspondence between one or more
performance classifications of the first set…to one or more respective classifications of
the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see
also from [0036]). Given Lewis' teaching of obtaining financial accounting information in
the form of ledgers with account classification given by a chart of accounts (see column
14 line 57 and column 19 from line 37), although not expressly providing details on how
the business rules stored in database tables would be applied to convert customer and
counterparty data to standard set of performance classifications (see column 6 from line
7), it would have been obvious to one of ordinary skill in the art at the time of invention
to apply a conversion map process as in MaGuire to convert accounting information for

one business under one set chart of accounts to a standard chart of accounts for

consolidating financial accounting information, with the advantage of consolidating and

aggregating the most accurate financial information available on the business, the

accounting information as reported by the business' own ledger-based accounting. The

standardized database from which analyses on the accounting information could then

be performed is thus maximized with regard to the financial data available for decisions

of customers and counterparties and other requestors of data of Lewis' system

according the stated advantages and benefits of such analyses (see Lewis, column 4,

from line 54, *inter alia*).

Claim 35

Lewis teaches at least one performance report includes at least one alert

indicator to identify at least one performance metric of the converted performance

information having a variance from a corresponding predetermined value that exceeds

an adjustable threshold associate with the performance metric (see from column 5 line

55: express object of invention to provide alerts, with detailed discussion of Notification

Server, from column 15, line 58, teaching alerts electronically sent to users when a limit

has been exceeded on performance information received and converted into the

system).

Claims 36 and 37

Lewis teaches wherein the predetermined value includes a value of the

performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus

the previous price being a "target value" set for the performance metric).

Claim 38

Lewis teaches claim 35 as above; however, with respect to alerts generated and

based on converted performance information, Lewis does not expressly teach *wherein*

the predetermined value includes a value representative of an industry average for the

performance metric.

Official Notice is taken that it is old and well known to compare the performance

of a stock or other financial instrument as measured by its price, to an industry or sector

price index, the index computed as an average of company stock prices for the industry

or sector. Such comparison is known to provide a measure of the relative performance

of a company to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using

predetermined values with thresholds being exceeded, or in variance from target

values, and further Lewis' teaching of a Market Data Information Server (described first

from column 16 from line 18), the Market Data Server obtaining data from financial

information services Bloomberg and Reuters (line 36) including information on traded

securities (column 18 from line 37) and for each security at least "technical indicators"

(Table 1), it would have been obvious to one of ordinary skill in the art at the time of

invention to set an alert wherein the predetermined value includes a value

representative of an industry average (i.e. a stock or sector index), as this would have

provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry, thereby indicating to a user interested in or owning a

particular stock that the stock's price behavior was out of sync with the industry, and

alerting the user to an opportunity for gain or loss in the particular stock apart from any

fluctuation common to the industry or sector, for example, seasonal variation.

Claim 39

Claim 39 substantially recites system of claim 33, repeating the process carried

out by the system of claim 33 for a *second business*; that is, the *obtaining, converting,*

aggregating and *analyzing* of performance information is performed on performance

information in performance classifications converted from a *third set* of performance

classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 33 as above, including performing the obtaining,

converting, aggregating, and analyzing for a *second business* (see at least column 2

from line 10 "Consolidation" and "Integration"); however Lewis does not *expressly* teach

the converting of performance classifications a second business in a *third format,*

converting the performance information to a standard format (the *second* format of

claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade

finance, etc. to consolidate financial information of other businesses at a commercial

lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking

information from different branches, departments, countries, and *customers* (customer

financial information constitutes performance information from a *second* business

potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 40

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 41

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information in inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 42 and 44

Lewis teaches a performance report/alert generation module includes a website (having webpages) adapted to receive the performance information (see Figure 1 Item 120 and discussion throughout).

Claim 46

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 47

Lewis teaches the performance report/alert module includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric, that is set by the requesting party (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system; especially column 16 line 4).

Claim 48 and 49

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus

the previous price being a "target value" set for the performance metric).

Claim 50

Lewis teaches claim 47 as above; however, with respect to alerts generated and

based on converted performance information, Lewis does not expressly teach *wherein*

the predetermined value includes a value representative of an industry average for the

performance metric.

Official Notice is taken that it is old and well known to compare the performance

of a stock or other financial instrument as measured by its price, to an industry or sector

price index, the index computed as an average of company stock prices for the industry

or sector. Such comparison is known to provide a measure of the relative performance

of a company to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using

predetermined values with thresholds being exceeded, or in variance from target

values, and further Lewis' teaching of a Market Data Information Server (described first

from column 16 from line 18), the Market Data Server obtaining data from financial

information services Bloomberg and Reuters (line 36) including information on traded

securities (column 18 from line 37) and for each security at least "technical indicators"

(Table 1), it would have been obvious to one of ordinary skill in the art at the time of

invention to set an alert wherein the predetermined value includes a value

representative of an industry average (i.e. a stock or sector index), as this would have

provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry, thereby indicating to a user interested in or owning a

particular stock that the stock's price behavior was out of sync with the industry, and

alerting the user to an opportunity for gain or loss in the particular stock apart from any

fluctuation common to the industry or sector, for example, seasonal variation.

Claim 51

Lewis teaches wherein the alert is delivered via a text message (column 15 from

line 58; column 17 from line 42).

Claim 52

Lewis teaches delivering a portion of the converted performance information to at

least one requesting part as one or more data files having a format compatible with

software operated by the requesting party (see column 17 from line 42, sending data to

user in an XML file or in a format compatible with the requestors legacy application).

Claim 53

Lewis teaches wherein the performance information includes financial

information where the performance classifications are financial accounts (see column

14 from line 12 to column 14 line 59).

Claim 54

Lewis teaches wherein the performance information includes operational

information where the performance classifications are operational classifications (see

column 19 from line 37, teaching operational classifications of the performance

information consolidated by Customer/Counterparty Information Server).

Claims 55 and 57-63 recite substantially a system for automating the methods of claims 1, 3-10, 12, 13, 15-25, and 27-32, are similarly rejected for reasons given above for the respective claim and claim limitations.

Claim 100 recites substantially the method of claim 1, and is similarly rejected for reasons given above, and further that Lewis teaches model "visualization" (see Figure 1 Item 145) and including producing historical queries and reports across a historical period" (column 21 from line 63).

Claim 101 recites a system substantially identical to claim 35, and is similarly rejected for reasons given above.

Claim 102 recites a method substantially identical to claim 10, i.e. performing the method of claim 1 by obtaining data over the Internet (via a website), and is similarly rejected for reasons given above.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 9 am to 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623